

**MATERIALS TO BE PROVIDED TO PARTIES IN CIVIL CASES REMOVED TO
THE NORTHERN OR SOUTHERN DISTRICTS OF IOWA ON OR AFTER
JANUARY 1, 2003**

The Clerk of Court hereby provides the parties in this case with a copy of the following materials:

1. Local Rule 3.2
2. Statement of Interest form.
3. Local Rule 10.1(h)
4. Notice of Public Availability of Case File Information
5. Local Rule 16.1
6. Instructions and Worksheet for the Scheduling Order and Discovery Plan
7. Scheduling Order and Discovery Plan
8. Local Rule 81.1

All of the above listed materials are attached to this notice.

LR 3.2 STATEMENT OF INTEREST

a. Plaintiff's Statement of Interest. Within 21 days after a civil complaint is filed, each nongovernmental plaintiff that is not a natural person must file with the Clerk of Court a statement containing the following:

1. The names of all associations, firms, partnerships, corporations, and other artificial entities that either are related to the plaintiff as a parent, subsidiary, or otherwise, or have a direct or indirect pecuniary interest in the plaintiff's outcome in the case; and

2. With respect to each such entity, a description of its connection to or interest in the litigation.

b. Defendant's Statement of Interest. Within 30 days after service of a civil complaint on a nongovernmental defendant that is not a natural person, such defendant must file with the Clerk of Court a statement containing the following:

1. The names of all associations, firms, partnerships, corporations, and other artificial entities that either are related to the defendant as a parent, subsidiary, or otherwise, or have a direct or indirect pecuniary interest in the defendant's outcome in the case; and

2. With respect to each such entity, a description of its connection to or interest in the litigation.

c. Statement of Interest Forms. A statement of interest must be submitted on a form supplied by the Clerk of Court. A copy of the statement of interest form is attached to these rules as appendix A, and may be found on the courts' web sites at the addresses given in LR 1.1(i). The statement of interest form is designed to enable the involved federal judges to evaluate possible bases for disqualification or recusal. Upon the request of a party and an order of the court, the party's statement of interest form may be filed under seal.

d. Changes in Statement of Interest. If the information provided by a party in a statement of interest form changes before the time has expired for filing a notice of appeal from the final judgment in the case, the party must, within 21 days after the date of the change, file an amended statement of interest form reflecting all such changes.

e. Conflicts List. After entering an appearance in a pending civil action, the attorneys for the parties must determine promptly if the presiding judge has filed a conflicts list with the Clerk of Court by doing one of the following:

1. Inspecting the court's web site at the address given in LR 1.1(i); or
2. Inquiring of the Clerk of Court's Office of the district.

If a conflicts list for the presiding judge has been filed with the Clerk of Court, the attorney must review the list and immediately notify the Clerk of Court if it appears the presiding judge may have a conflict with any association, firm, partnership, corporation, or other artificial entity either related to any party or having a pecuniary interest in the case.

f. Notification by Clerk of Court. After an action is filed, the Clerk of Court will notify the parties promptly of the requirements of this rule, by providing a copy of the rule and a statement of interest form to the plaintiff. The plaintiff must attach a copy of the rule and the form to each service copy of the summons and complaint.

Any failure of the Clerk of Court or the plaintiff to provide a party with a copy of the rule or the form does not excuse the party from compliance with the rule.

**IN THE UNITED STATES DISTRICT COURT
FOR THE [NORTHERN][SOUTHERN] DISTRICT OF IOWA
@ DIVISION**

@,

Plaintiff(s),

vs.

@,

Defendant(s).

No. @

STATEMENT OF INTEREST

As required by LR 3.2 and LR 81.1(c), (d), and (e), @, [plaintiff][defendant] in this case, provides the following information to the court:

(a) *The following are the names of all associations, firms, partnerships, corporations, and other artificial entities that either are related to the [plaintiff][defendant] as a parent, subsidiary, or otherwise, or have a direct or indirect pecuniary interest in the [plaintiff's][defendant's] outcome in the case:*

(b) *With respect to each entity named in response to (a), the following describes its connection to or interest in the litigation, or both:*

Date: _____

Name of attorney
Name of attorney's law firm
Attorney's office address
Attorney's telephone number
Attorney's facsimile number
Attorney's e-mail address (if available)

LR 10.1 * * *

h. Personal Data Identifiers. Unless otherwise ordered by the court or required by law, a party filing a document containing personal data identifiers should, unless the document is filed under seal, modify or partially redact the document to prevent the disclosure of the identifiers. Personal data identifiers include the following:

1. Social Security numbers;
2. Financial account numbers;
3. Dates of birth; and
4. Names of minor children.

By way of example, and not limitation, if the Social Security number of an individual must be included in a document, only the last four digits of that number should be used. If financial account numbers are relevant, only incomplete numbers should be recited in the document. If an individual's date of birth is necessary, only the year should be used. If a minor child must be mentioned, only that child's initials should be used.

In addition, parties should exercise caution when filing unsealed documents that contain the following information:

1. Other personal identifying numbers, such as driver's license numbers;
2. Information concerning medical treatment or diagnosis;
3. Employment history;
4. Personal financial information; and
5. Proprietary or trade secret information.

It is the responsibility of counsel and the parties to assure that appropriate redactions from documents have been made before they are filed; the Clerk of Court will not review filings to determine whether such redactions have been made.

* * *

NOTICE OF PUBLIC AVAILABILITY OF CASE FILE INFORMATION

All documents filed with the court, unless sealed, will be available to the public, and may be accessible over the Internet. Therefore, you should not include certain types of sensitive information in any document filed with the court unless such inclusion is necessary.

If sensitive information must be included in a document, certain personal and identifying information should be redacted from the document, whether it is filed traditionally or electronically. This information includes the following: (1) Social Security numbers, (2) financial account numbers, (3) dates of birth, and (4) the names of minor children. Also, you should exercise caution when filing documents that contain the following: (1) other personal identifying numbers, such as driver's license numbers; (2) information concerning medical treatment or diagnosis; (3) employment history; (4) personal financial information; and (5) proprietary or trade secret information.

Counsel are strongly urged to share this notice with their clients so that informed decisions may be made concerning the redaction of sensitive information from documents that will be available to the public as part of a case file. It is the sole responsibility of counsel and the parties to ensure all filed documents comply with the rules of this court requiring redaction of personal data identifiers; the Clerk of Court will not review filings to determine whether appropriate redactions have been made.

LR 16.1 SCHEDULING ORDER AND DISCOVERY PLAN

a. Timing of Proposed Order and Plan. Within 120 days after the filing of the complaint, all attorneys of record and all unrepresented parties must submit to the Clerk of Court for approval by a magistrate judge a proposed Rule 16(b) and 26(f) scheduling order and discovery plan. The parties must confer to complete the proposed scheduling order and discovery plan as soon as practicable, but at least 14 days before the proposed scheduling order and discovery plan is due.

b. Completion of Proposed Order and Plan. The attorneys of record and all unrepresented parties who have appeared in the case are jointly responsible for preparing and submitting the proposed scheduling order and discovery plan to the court. The proposed scheduling order and discovery plan must be submitted on the form supplied by the Clerk of Court's Office, and must contain all of the information requested in the form. A copy of the form may be downloaded from the courts' web sites at the addresses given in LR 1.1(i).

c. Dismissal for Failure to Submit Timely Proposed Order and Plan. The failure to submit a timely proposed scheduling order and discovery plan may result in dismissal of the case.

d. Cases Not Subject to Requirement. A proposed scheduling order and discovery plan must be submitted in all civil actions, except for the following:

- 1.** An action for review on an administrative record, including a Social Security disability review;
- 2.** A petition, application, or motion for habeas corpus, or other proceeding to challenge a criminal conviction or sentence;
- 3.** An action brought without counsel by a person in custody of the United States, a state, or a state subdivision;
- 4.** An action to enforce or quash an administrative summons or subpoena;
- 5.** An action by the United States to recover benefit payments;
- 6.** An action by the United States to collect on a student loan guaranteed by the United States;
- 7.** A proceeding ancillary to proceedings in other courts;

8. An action to enforce an arbitration award;
9. A foreclosure or civil forfeiture action filed by the United States;
10. An IRS summons enforcement action; and
11. Any other class of cases so designated by order of the court.

e. Scheduling Conference. After reviewing the proposed scheduling order and discovery plan, the magistrate judge may issue the Rule 16(b) and 26(f) scheduling order and discovery plan, either as submitted or with revisions, or may set a scheduling conference. Nothing in this rule precludes the parties from requesting a scheduling or planning conference with the magistrate judge at any time.

f. Requests for Extensions of Deadlines. The deadlines established by the Rule 16(b) and 26(f) scheduling order and discovery plan will be extended only upon written motion and a showing of good cause. A motion to extend a Rule 16(b) and 26(f) scheduling order and discovery plan deadline must comply with LR 7.1(k). A motion containing a request for an extension of a discovery deadline also must contain the following:

1. A description of the discovery not completed;
2. A description of the discovery that has been completed;
3. An explanation of why all discovery cannot be completed by the existing deadline;
4. A statement of when discovery will be completed; and
5. A statement of whether the moving party believes the requested extension will affect any scheduled trial date.

g. Notification by Clerk of Court. After an action subject to this rule is filed, the Clerk of Court will notify the parties promptly of the requirements of this rule, by providing to the plaintiff the following:

1. A copy of this rule;
2. The instructions and worksheet for the scheduling order and discovery plan; and
3. A scheduling order and discovery plan form.

The plaintiff must attach a copy of the rule to each service copy of the summons and complaint.

Any failure of the Clerk of Court or the plaintiff to provide a party with any of these documents does not excuse the party from compliance with the Local Rules.

h. Dispositive Motion Deadline. The deadline in the proposed scheduling order and discovery plan for filing dispositive motions must be at least 120 days before the proposed ready-for-trial date.

i. Sanctions. The failure to comply with a deadline established in the Rule 16(b) and 26(f) scheduling order and discovery plan may result in sanctions, including the exclusion of evidence, the prevention of witnesses from testifying, the striking of pleadings or other papers, the denial of oral argument, and the imposition of attorney fees and costs.

U.S. DISTRICT COURTS FOR THE NORTHERN/SOUTHERN DISTRICTS OF IOWA

**INSTRUCTIONS AND WORKSHEET FOR PREPARATION OF
SCHEDULING ORDER AND DISCOVERY PLAN**

Effective December 1, 2000

**ORDER REQUIRING SUBMISSION OF SCHEDULING ORDER
AND DISCOVERY PLAN**

Please carefully review the Local Rules, revised as of January 1, 2003, for a more complete description of the District's requirements for pretrial case management (*available at www.iand.uscourts.gov or www.iasd.uscourts.gov*).

IT IS ORDERED THAT counsel for the parties shall confer, as required by Federal Rules of Civil Procedure 16 and 26 and Local Rules 16.1 and 26.1, and submit to the Clerk of Court on the attached form a stipulated proposed scheduling order and discovery plan. If counsel are not able to agree upon the deadlines required to complete the form or are requesting deadlines significantly beyond those suggested in the form, or if the case involves any special issues that require the early attention of the court, counsel should, in paragraph 11 of the form, request a Rule 16(b) and 26(f) scheduling and planning conference with the court.

U.S. MAGISTRATE JUDGE

Follow this worksheet at your Rule 16(b) and 26(f) conference. The deadlines referred to in the worksheet are suggested deadlines except for the dispositive motion deadline, which MUST be at least 120 days before the trial ready date. File only the attached two-page proposed scheduling order and discovery plan. DO NOT FILE THE WORKSHEET.

- 1 **INITIAL DISCLOSURES:** State whether the parties entered into an agreement at the Rule 26(f) conference resolving all issues relating to the Federal Rule of Civil Procedure 26(a)(1) initial disclosures in this action.

_____ yes _____ no

If you answered “no” to the last question, state whether any party objected at the Rule 26(f) conference either to making the initial disclosures or to the timing of the initial disclosures.

_____ yes _____ no

If any party objected at the Rule 26(f) conference either to making the initial disclosures or to the timing of the initial disclosures, then **within 10 days after the scheduling order and discovery plan is filed**, the objecting party must serve and file a document in which the objections are set forth with particularity.

If the parties have entered into an agreement concerning the timing of the initial disclosures, state the date by which the initial disclosures will be made.

(insert date)

Unless a different deadline is set by agreement of the parties or court order, or unless a party objects to making the initial disclosures or to the timing of the initial disclosures, Local Rule 26.1(a) requires that the initial disclosures be made **within 14 days after the Rule 26(f) conference**.

Federal Rule of Civil Procedure 26(a)(1) requires that the parties must, without awaiting a discovery request, provide to other parties:

- (A) the name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information;
- (B) a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment;
- (C) a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Federal Rule of Civil Procedure 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered; and
- (D) for inspection and copying as under Federal Rule of Civil Procedure 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

If the parties have any other disputes concerning initial disclosures or are aware of any other issues relating to scheduling or planning that might benefit from the early intervention of the court, the parties may, in paragraph 11 of the proposed scheduling order and discovery plan, request a court-sponsored pretrial discovery and planning conference.

2. **ADDING PARTIES**: State the deadline for filing motions to add parties.

(insert date)

This deadline should be **no more than 2 months after the date the proposed scheduling order and discovery plan is submitted to the court.**

3. **AMENDING PLEADINGS**: State the deadline for filing motions to amend pleadings.

(insert date)

This deadline should be **no more than 2 months after the date the proposed scheduling order and discovery plan is submitted to the court.**

4. **EXPERT WITNESSES**: State the deadlines for the parties to disclose, in accordance with Federal Rule of Civil Procedure 26(a)(2)(A) and (B), all “expert witnesses” who may be used at trial to present evidence under Federal Rules of Evidence 702, 703, or 705.

Plaintiff's experts:

(insert date)

Defendant's experts:

(insert date)

Plaintiff's rebuttal experts:

(insert date)

The deadlines for the plaintiff to disclose experts, for the defendant to disclose experts, and for the plaintiff to disclose rebuttal experts should be no more than **3 months, 5 months, and 6 months**, respectively, after the date the proposed scheduling order and discovery plan is submitted to the Clerk of Court. Except as otherwise stipulated by the parties or ordered by the court, the parties must, by these deadlines, disclose to the other parties: (a) the identity of each expert witness; and (b) a written report prepared and signed by each expert witness, as required by Federal Rule of Civil Procedure 26(a)(2)(B). The report must contain a complete statement of all opinions to be expressed and the basis and reasons therefor; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; the qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years; the compensation to be paid for the study and testimony; and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

5. **DISCOVERY**: State the date by which all discovery will be ***completed***, not propounded.

(insert date)

This deadline should be **no more than 8 months after the date the proposed scheduling order and discovery plan is submitted to the court.**

Federal Rule of Civil Procedure 26(e) imposes a continuing duty to supplement discovery responses as soon as practicable. **All discovery responses must be supplemented at least 30 days before the close of discovery.**

6. **DISPOSITIVE MOTIONS**: State the deadline for filing dispositive motions.

(insert date)

This deadline **must be at least 120 days before the trial ready date**, but should be **no more than 9 months after the date the proposed scheduling order and discovery plan is submitted to the court.**

7. **TRIAL READY DATE**: State the date on which the parties anticipate the case will be ready for trial.

(insert date)

This deadline should be **no more than 13 months after the date the proposed scheduling order and discovery plan is submitted to the court**, but **must not be less than 120 days after the dispositive motion deadline.**

8. **JURY DEMAND**: State whether a jury demand has been filed.

_____ yes _____ no

9. **ESTIMATED LENGTH OF TRIAL**: State your estimate of the number of days required for trial. For jury trials, include in your estimate the time required for jury selection, opening statements, closing arguments and instructions. If circumstances change, the parties should immediately so notify the court. **In any event, the parties should notify the court of any change in the time required for trial and of their new estimated length of trial by at least 30 days before the trial readiness date in paragraph 7.**

(insert number of trial days)

10. **SETTLEMENT CONFERENCE:** Indicate one of the following two choices regarding a court-sponsored settlement conference:

_____ A court-sponsored settlement conference should be set by the court at this time for a date after: _____.
(insert date)

_____ A court-sponsored settlement conference is not necessary at this time.

11. **SCHEDULING AND PLANNING CONFERENCE:** State whether the parties believe a court-sponsored scheduling and planning conference pursuant to Federal Rules of Civil Procedure 16(b) and 26(f) would be appropriate in this case.

_____ yes _____ no

12. **CONSENT TO MAGISTRATE JUDGE:** State whether the parties unanimously consent, or do not unanimously consent, to trial, disposition, and judgment by a United States Magistrate Judge, with appeal to the Eighth Circuit Court of Appeals.

_____ yes, we unanimously consent _____ no, we do not unanimously consent

You may consent in either a jury or non-jury case. Cases consented to the United States Magistrate Judge will be set for trial on a **date certain**.

13. **DELIVERY OF FORM TO CLERK OF COURT:** Print or type the names, addresses, telephone and fax numbers, and e-mail addresses on the proposed scheduling order and discovery plan, sign the proposed order and plan, and deliver it to the Clerk of Court. **Be sure to deliver to the Clerk of Court both pages of the proposed order and plan.**

)	
)	
Plaintiff(s),)	NO. _____
)	
vs.)	
)	
)	SCHEDULING ORDER AND
)	DISCOVERY PLAN
Defendant(s).)	

1. Did the parties enter into an agreement at the Rule 26(f) conference resolving all issues relating to initial disclosures? ____ yes ____ no If you answer “no,” state whether any party objected at the Rule 26(f) conference to making or to the timing of the initial disclosures: ____ yes ____ no
If any party objected at the Rule 26(f) conference to making or to the timing of the initial disclosures, then the objecting party must, within 10 days after this order and plan has been filed, serve and file a document in which the objections are set forth with particularity. If the parties have agreed to a deadline for making the initial disclosures, state the date by which the initial disclosures will be made: _____
2. Deadline for motions to add parties: _____
3. Deadline for motions to amend pleadings: _____
4. Expert witnesses disclosed by: a) Plaintiff: _____
b) Defendant: _____
c) Plaintiff Rebuttal: _____
5. Deadline for ***completion*** of discovery: _____
6. Dispositive motions deadline (***at least 120 days before Trial Ready Date***): _____
7. Trial Ready Date (***at least 120 days after Dispositive Motions Date***): _____
8. Has a jury demand been filed? ____ yes ____ no
9. Estimated length of trial: ____ days
10. Settlement conference (choose one of the following): (a) ____ A court-sponsored settlement conference should be set by the court at this time for a date after: _____; or
(b) ____ A court-sponsored settlement conference is not necessary at this time.
11. Should the court order a court-sponsored scheduling and planning conference pursuant to Fed. R. Civ. P. 16(b) and 26(f)? ____ yes ____ no
12. Do the parties unanimously consent to trial, disposition and judgment by a U.S. Magistrate Judge, with appeal to the Eighth Circuit Court of Appeals pursuant to 28 U.S.C. § 636(c)(3)?
____ yes ____ no

E-mail address:

Attorney for Third-Party Defendant\Other:

Address:

Telephone:

Facsimile:

E-mail address:

JUDGE'S REVISIONS

The deadline in Paragraph _____ is changed to _____.

The deadline in Paragraph _____ is changed to _____.

The deadline in Paragraph _____ is changed to _____.

IT IS ORDERED that this proposed Scheduling Order and Discovery Plan
_____ **is** _____ **is not** approved and adopted by this court.

IT IS FURTHER ORDERED that a scheduling and planning conference:

_____ will not be scheduled at this time.

_____ will be held in the chambers of Judge _____ at the
U.S. Courthouse in _____, Iowa, on the _____ day
of _____, at _____ o'clock, _____.m.

_____ will be held by telephone conference, initiated by the court, on the
_____ day of _____, at _____ o'clock, _____.m.

DATED this _____ day of _____.

MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT

ORDER OF REFERENCE

IT IS HEREBY ORDERED that this case is referred to a U.S. Magistrate Judge for the conduct of all further proceedings and the entry of judgment in accordance with 28 U.S.C. § 636(c) and the consent of the parties.

DATED this _____ day of _____.

UNITED STATES DISTRICT JUDGE

LR 81.1 REMOVED ACTIONS

a. Filings. When an action is removed to this court from a state court, along with the notice of removal and the proper filing fee, the removing party also must file the following:

1. Copies of all process, pleadings, orders, and other papers filed in the state case;
2. A list of all matters pending in the state court that will require resolution by this court;
3. The names of counsel and law firms that have appeared in the state court, with their office addresses, telephone numbers, facsimile numbers, e-mail addresses (if available), and the names of the parties they represent; and
4. An original and one copy of a properly completed civil cover sheet, as described in LR 3.1(e).

These documents may be filed electronically pursuant to LR 5.3. The process, pleadings, orders, and other papers filed in the state case may be imaged and filed electronically even if they total more than 200 pages in length.

b. Scheduling Order and Discovery Plan. Within 90 days after the filing of a petition for removal, counsel for the parties must submit to the Clerk of Court for approval by a magistrate judge a proposed Rule 16(b) and 26(f) scheduling order and discovery plan prepared in accordance with the requirements of LR 16.1. The removing party is responsible for initiating discussions on the proposed scheduling order and discovery plan, but all parties who have appeared in the case are jointly responsible for the preparation and submission of the proposed scheduling order and discovery plan.

c. Removing Party's Statement of Interest. Within 21 days after filing a petition for removal in a civil case, each nongovernmental removing party that is not a natural person must file with the Clerk of Court a statement containing the following:

1. The names of all associations, firms, partnerships, corporations, and other artificial entities that either are related to the removing party as a parent, subsidiary, or otherwise, or have a direct or indirect pecuniary interest in the removing party's outcome in the case; and
2. With respect to each such entity, a description of its connection to or interest in the litigation.

d. Remaining Parties' Statements of Interest. Within 30 days after service of the petition for removal in a civil case, each remaining nongovernmental party that is not a natural person must file with the Clerk of Court a statement containing the following:

1. The names of all associations, firms, partnerships, corporations, and other artificial entities that either are related to that party as a parent, subsidiary, or otherwise, or have a direct or indirect pecuniary interest in the party's outcome in the case; and

2. With respect to each such entity, a description of its connection to or interest in the litigation.

e. Statement of Interest Forms. A statement of interest must be submitted on a form supplied by the Clerk of Court. A copy of the statement of interest form is attached to these rules as appendix A. The statement of interest form is designed to enable the involved federal judges to evaluate possible bases for disqualification or recusal. Upon the request of a party and the order of the court, the party's statement of interest form may be filed under seal. After filing their statement of interest forms, the parties must comply with LR 3.2(d) and (e) concerning, respectively, the procedures for notifying the court of changes in the information provided in the statement of interest forms and the obligation of the parties to check with the Clerk of Court for potential judicial conflicts.

f. Notification by Clerk of Court. After an action is removed, the Clerk of Court will notify the parties promptly of the requirements of this rule, by providing to each of the parties the following:

1. A copy of this rule, LR 3.2, LR 10.1(h), and LR 16.1;
2. The instructions for the scheduling order and discovery plan and worksheet;
3. A scheduling order and discovery plan form;
4. A statement of interest form; and
5. A "notice of public availability of case file information."

Any failure of the Clerk of Court to provide a party with these documents does not excuse the party from compliance with the Local Rules.

g. Diversity of Citizenship and Jurisdictional Amount. When an action is removed to this court from a state court based on diversity of citizenship under 28 U.S.C. § 1332, if the petition filed in state court does not, on its face, indicate either the required diversity of citizenship or the required amount in controversy, the removing party also must include in the notice of removal a statement of the facts that demonstrate these jurisdictional requirements are satisfied.